THE HONOURABLE SHRI JUSTICE A. GOPAL REDDY

WRIT ETITION NO.20545 OF 1995

DATE: 28.2.2007

Between:

Augustine Banian Aseervadam,
Head Master of D.D. High School,
Dornakal, Warangal District. .... Petitioner.

And

Church of Diocessan of Dornakal
South India, represented by its Chairman,
D.D. High School, Dornaklal,
Warangal District and two others. .... Respondents.

ORAL ORDER:

By means of filing this Writ Petition, the petitioner has questioned the cancellation of his appointment as Head Master of D.D. High School, Dronakal

through the impugned order No.DEC/DD/Estt/791/95 dated 26.8.1995 of the 1st respondent and for a direction to the respondents to continue him as Head Master of D.D. School.

Initially, while admitting the writ petition, an interim direction was issued by this Court in W.P.M.P.No.25213 of 1995 directing the respondents 1 to 3 to continue the petitioner as Head Master, D.D. High School, Dornakal. But, on the respondents in the writ petition filing W.V.M.P.No.2488/95 for vacating the said interim order, this Court by order dated 29.12.1997 vacated the interim order on the ground that the post of Head Master of D.D. High School ceased to exist because of upgradation of the DD High School as D.D. Junior College and as both the institutions are treated as one unit. This Court also noticed that W.P.No.9776 of 1983 filed long prior to the filing of the present writ petition questioning the upgradation of the High School into College was dismissed by this Court on 19.3.1996 and a Special Leave Petition filed before the Supreme Court against the said order was also dismissed. In these circumstances, observing that in the absence of any post of Head Master existing, the petitioner cannot be continued as Head Master, this Court vacated the interim order granted earlier.

It appears that, in the meanwhile, the petitioner has also retired from service on attaining the age of superannuation. In view of the same, no cause survives in the Writ petition. The Writ petition is accordingly dismissed as infructuous. No costs.

_____

28th February, 2007 A. GOPAL REDDY, J

vtv